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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,730

03/18/2004

Edward P. Busam

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EXAMINER

ADDISU, SARA

ART UNIT

PAPER NUMBER

3722

MAIL DATE

DELIVERY MODE

10/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,730

Applicant(s)

BUSAM ET AL.

Examiner

Sara Addisu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED OFFICE ACTION

This Office Action is in response to the amendment filed 11/15/06. Claim 3 has been cancelled. New claims 27-41 have been added. Currently, claims 1, 2 and 4-41 are pending in this application.

Please note that upon further review, the allowable subject matters have been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 2, 4-11, 13-18, 21-36 and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Hollingsworth (USP 6,837,346).

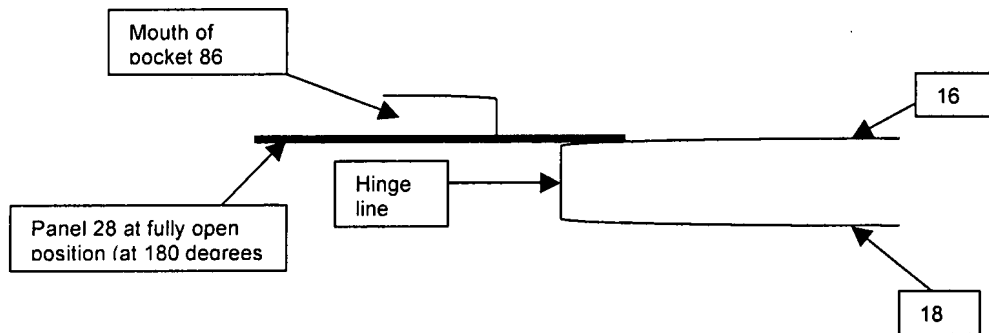
The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 2, 8, 22, 26, 34, HOLLINGSWORTH teaches a binder and method for manipulating a binder comprising: a first cover (16: defining a plane and having a first and an opposing second side. Examiner is defining the first cover to be 16 and the area surrounding 28; i.e. does not include panel 28); a second cover (18: defining a plane and having a first and an opposing second side), pivotally coupled to the first cover (16); both covers being generally flat and planar ('346, Figs. 1-3); an opening (30); a spine (24) located between and pivotally coupled to the first cover (16) and the second cover (16) about a hinge. HOLLINGSWORTH also teaches a pocket (86) coupled to said first cover via panel (28) ('346, figure 2). Furthermore, HOLLINGSWORTH teaches that the movement of panel (28) and pop-pop-out compartment (29) causes pockets (86) to be moved exteriorly outwardly and the opening to the pocket (86) is pivoted away from the first wall (16) (i.e. pocket (86) and

its cavity is accessed from the first side by opening panel 28) and since panel 28 will be positioned exteriorly outwardly (i.e. to the left of the first cover's (16) plane), the access to pocket (86) will also be above the first covers' plane thus will not intersect said plane ('346, col. 15, lines 1-15 and figure 2). HOLLINGSWORTH teaches the binder being in the fully open position and HOLLINGSWORTH also teaches pockets (86) protruding interiorly (i.e. to the right of the covers' plane, the pocket and its cavity being accessed from the second side of the first cover and since they protrude interiorly, the access to the pockets will not intersect the plane of the plane) ('346, figures 3 and 4 & col. 14, lines 37-42). Furthermore, regarding claims 8 and 18, HOLLINGSWORTH teaches the fully closed and fully open positions are obtained via pivotal or rotational movement of first cover (16) and/or second cover (18) along a hinge, pivot or spine formed by left side wall 24 ('346, col. 7, lines 51-54). Regarding claim 4, when the binder is in the open position, the pocket cavity can be simultaneously accessed from both first and second sides of the first cover. Regarding claim 7, when panel (28) is in its fully open position (i.e. pivoted to 180 degrees) such that panel (28) is parallel to the hinge line of the first and second cover, the pocket cavity would also include a mouth oriented "generally" parallel to said pivot line (see figure below). Regarding claim 22, HOLLINGSWORTH teaches the first cover including an opening (30) and said pocket coupled being received in the opening and includes a first panel (28) and a second panel (88) defining a pocket cavity therebetween; the first panel (28) being releasably attached to the first side of the first cover (16) by fastening elements-(43, 43') and the second panel (88) being releasably attachable to the second side of the first cover by fastening elements

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(94, 94'). Furthermore, HOLLINGSWORTH teaches said pocket being defined by said parallel panels (28, 88, panel 28 is greater than 88) that face each other, and a pair of side panels (90); wherein each side panel (90) is made of expandable material; wherein the first cover includes an opening (30), wherein the pocket is received in the opening ('346, figure 3). HOLLINGSWORTH also teaches first and second covers (16, 18) being releasably attached via zipper (32).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being obvious over Hollingsworth (USP 6,837,346) in view of Moor (USP 6,547,283).

HOLLINGSWORTH teaches a binder having a pocket with a pair of side panels (90) made of expandable material, as set forth in the above rejection.

However, HOLLINGSWORTH fails to explicitly teach the expandable material of the side panels being gusseted material.

Moor teaches a portfolio having a pocket (52) having expandable side panels that are gusseted ('283, col. 3, lines 41-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify HOLLINGSWORTH such that it the side panels of its pockets are made of gusseted material, as taught by Moor for the purpose of having a pocket that is expandable as needed.

3. Claims 19, 20 and 37 are rejected under 35 U.S.C. 103(a) as being obvious over Hollingsworth (USP 6,837,346) in view of Carrasco (2,778,397).

HOLLINGSWORTH teaches a binder as set forth in the above rejection.

However, HOLLINGSWORTH fails to explicitly teach a binding mechanism located on the inner surface of the first and second covers.

Carrasco discloses in Fig. 1, a binder and method for manipulating a binder comprising: a first cover (11a); a second cover (11b) pivotally coupled to the first cover (11b); both covers being generally flat and planar and having a first side (see Fig. 1) and a second opposite side (see Fig. 1 and 2); a spine (12) located between and pivotally coupled to the first cover (11a) and the second cover (11b) about a hinge (32 and 33 in Fig. 5); a three-ring binding mechanism (40) located on the inner surface of the covers (see Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify HOLLINGSWORTH such that it incorporates binding mechanism, as taught by Carrasco for the purpose of having the added function of carrying loose stacks of paper.

Response to Arguments

4. Applicant's arguments with respect to the previously rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER